

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Masayuki Takayama, et al. Examiner: Sharad Rampuria
Application No.: 09/621,045 Confirmation No.: 4035
Filed: July 21, 2000 Group Art Unit: 2683
For: MOBILE TELEPHONE SET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
MAR 02 2005
Technology Center 2600

Attn: Technology Center 2600

DECLARATION OF
JOHN C. GARCES & WENDY NELSON

We, John C. Garces and Wendy Nelson, hereby declare that:

1. We are, respectively, the prosecuting attorney and the docket clerk in connection with the above-identified patent application.
2. We are providing this declaration to affirm that a search of the file jacket and docket record in connection with the above-identified patent application were performed. Based on that search it has been determined that we do not have a copy of the Notice of Allowance dated October 24, 2003 that was purportedly mailed to the offices of Schulte Roth & Zabel LLP or any evidence of the Notice of Allowance ever having been received.
3. Attached is a true copy of a redacted printout of a docket record for the period of September 30, 2003 to the present for the above-identified patent application. The docket record indicates that the only items received during this period for the above-identified patent application were the EP Search Report, docketing on September 30, 2003, and the Notice of Abandonment, which is the subject of this Declaration and accompanying petition.

4. If a Notice of Allowance dated October 24, 2003 had been received by our docket department, in accordance with our standard practices and procedures it would have been recorded in the docket system and the following entries would have appeared on the attached docket record:

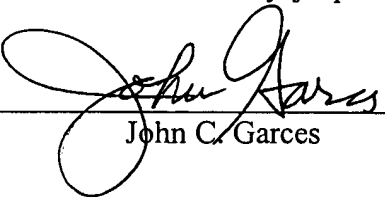
| <u>Action(s) Due</u> | <u>Due Date</u> | <u>Action Taken</u> |
|------------------------|-----------------|----------------------|
| Notice of Allowability | 24-Oct-2003 | Received 24-Oct-2003 |
| Notice of Allowance | 24-Oct-2003 | Received 24-Oct-2003 |
| Issue Fee Due | 24-Jan-2004 | Due Date |

5. If a Notice of Allowance dated October 24, 2003 had been received by our docket department, in accordance with our standard practices and procedures it would have been forwarded to the attorney prosecuting the application for his or her review.

6. Moreover, had we received a Notice of Allowance dated October 24, 2003 there would have been no logical reason to file the Supplemental IDS dated September 3, 2004, eight months after the date the issue fee was to be paid in the above-identified patent application.

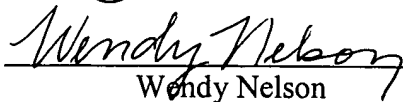
7. In view of the foregoing, it is our belief as confirmed by review of the file, our docket record and our practices and procedures, that we never received a Notice of Allowance in the above-identified patent application.

8. We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



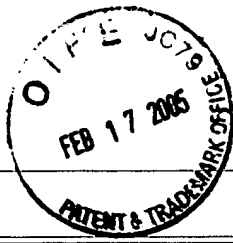
John C. Garces

2/15/05
Date



Wendy Nelson

2/15/5
Date



Country Application

Monday, February 14, 2005

Parent Case No.: KYO0016

Country: US

SubCase:

Client: KYOCERA CORPORATION

United States of America

Case Type: PRI

Application Status: Pending

Applic. Title: MOBILE TELEPHONE SET

Application Number: 09/621,045

Filing Date: 21-Jul-2000

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number: 11-209382

Parent/PCT Date : 23-Jul-1999

Parent Issue Number:

Expiration Date:

Tax Schedule: LE

Parent Issue Date :

Client/Matter #: 848075-0016

PTA: 0

Agent:

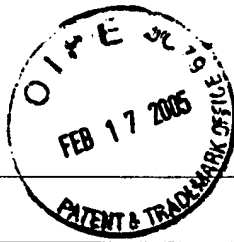
RECEIVED

MAR 02 2005

Agent Reference No.:

Technology Center 2600

Applic. Attorney(s): JEL JCG DXT



Country Application

Monday, February 14, 2005

List Of Actions

Action(s) Due

Due Date

Action Taken

REDACTED

RECEIVED

MAR 02 2005

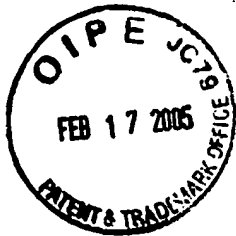
Technology Center 2600

| | | | |
|-----------------------------|-------------|----------|-------------|
| EP Search Report Rec'd | 30-Sep-2003 | Received | 30-Sep-2003 |
| STATUS CHECK | 26-Aug-2004 | Due Date | 26-Aug-2004 |
| Supplemental IDS | 10-Sep-2004 | Filed | 03-Sep-2004 |
| Notice of Abandonment Rec'd | 13-Jan-2005 | Received | 13-Jan-2005 |
| STATUS CHECK | 28-Feb-2005 | Due Date | |

User ID: nelsonw

Date Created: 02-Jul-2001

Last Update: 26-Aug-2004



POSTCARD (TO BE FILED WITH RESPONSE)
ATTORNEY/AGENT: JCG/DT/ja DOCKET NO.: 848075/0016
PATENT APPLICATION FOR: MOBILE TELEPHONE SET
INVENTORS: Masayuki Takayama, et al.
SERIAL NO.: 09/621,045 FILING DATE: July 21, 2000 DATE MAILED: September 3, 2004

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

| | |
|---|--|
| <input checked="" type="checkbox"/> Certificate of Mailing (Regular) | <input type="checkbox"/> Certified Priority Document |
| <input type="checkbox"/> Petition for Extension of Time | <input type="checkbox"/> Appeal Brief, Filing Fee \$ |
| <input type="checkbox"/> Declaration | <input type="checkbox"/> Formal Drawings: No. of Sheets |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Terminal Disclaimer: Fee \$ |
| <input type="checkbox"/> Transmittal Form | <input type="checkbox"/> Authorization to Charge Deposit Account 50-0675 |
| <input type="checkbox"/> Request of Corrected Filing Receipt | <input checked="" type="checkbox"/> Check in the amount of \$ 180.00 |
| <input type="checkbox"/> Recordation | |
| <input type="checkbox"/> Assignment + Fee \$ | <input type="checkbox"/> Petition: Fee \$ |
| <input checked="" type="checkbox"/> Information Disclosure Statement: 2 pages Form PTO 1449 with 6 References | |
| <input type="checkbox"/> Amendment/Response: Petition for Extension of Time, Fee \$ | |
| <input type="checkbox"/> Amendment Transmittal: Filing Fee \$ | |
| <input type="checkbox"/> Missing Parts of Application Transmittal: Filing Fee \$ | |
| <input type="checkbox"/> Notice of Appeal: Filing Fee \$ | |

Other

9713635.1

RECEIVED

MAR 02 2005

Technology Center 2600

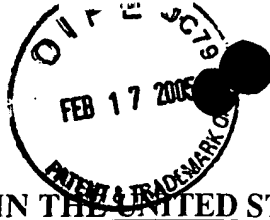
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWLES
02 1A
0004360672
\$ 00.25⁰
MAILED FROM ZIP CODE 10022

Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
Attention: IP Docketing Department

9713635.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Masayuki Takayama, et al. Examiner: Sharad Rampuria
Application No.: 09/621,045 Confirmation No.: 4035
Filed: July 21, 2000 Group Art Unit: 2683
For: MOBILE TELEPHONE SET

RECEIVED

MAR 02 2005

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In order to comply with the duty of disclosure under 37 C.F.R. §1.56, transmitted herewith is a Supplemental Information Disclosure Statement (IDS) in connection with the above-identified application. The Supplemental IDS is being submitted after the mailing date of a first office action but before mailing of a final action under 37 C.F.R. §1.113. In accordance with 37 C.F.R. §1.97(c), the Supplemental IDS is being accompanied by the fee set forth under 37 C.F.R. §1.17(p).

Enclosed herewith are copies of six (6) referenced documents, which are listed on the accompanying Form PTO/SB/08A, a check in the amount of \$180.00 in payment of the fee set forth under 37 C.F.R. § 1.17(p), and duplicate copies of this Supplemental IDS transmittal form and Form PTO/SB/08A.

The Commissioner is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 or due in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0675, Order No. 848075.0016.

It is respectfully requested that these references be fully considered by the U.S. Patent and Trademark Office and printed on any patent which may issue on this application. Applicants request that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

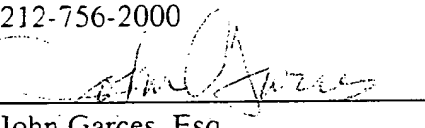
Prompt consideration of this Supplemental Information Disclosure Statement is respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicant
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: September 3, 2004
New York, New York

By:


John Garces, Esq.
Reg. No. 40,616

Enclosures

CERTIFICATE OF MAILING

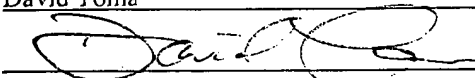
Date of Deposit: September 3, 2004

I hereby certify under 37 C.F.R. 1.8 that this correspondence and enumerated documents are being deposited with the United States Postal Service as First Class Mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name:

David Toma

Signature:


Schulte Roth & Zabel, LLP

Approved for use through 07/31/2006. OME 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are to be required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

| | | | |
|-------|---|----|---|
| Sheet | 1 | of | 2 |
|-------|---|----|---|

Complete if Known

| | |
|------------------------|---------------------------|
| Application Number | 09/621,045 |
| Filing Date | July 21, 2000 |
| First Named Inventor | Masayuki Takayama, et al. |
| Art Unit | 2683 |
| Examiner Name | Sharad Rampuria |
| Attorney Docket Number | 848075/0016 |

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---|---------------------|--|---|----------------|
| | | Country Code ² Number ⁴ Kind Code ⁵ (if known) | MM-DD-YYYY | | | |
| | | EP 0310325 A2 | 04-05-1989 | | | |
| | | JP 02141034 | 05-30-1990 | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. *Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-F70-9199 (1-800-766-9199) and select option 2.



PTO/EE/06E (06-05)

Approved for use through 07/31/2006. OME 06E 1-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person shall be required to respond to a collection of information unless it contains a valid OME control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|---------------------------|
| Application Number | 09/621,045 |
| Filing Date | July 21, 2000 |
| First Named Inventor | Masayuki Takayama, et al. |
| Art Unit | 2683 |
| Examiner Name | Sharad Rampuria |
| Attorney Docket Number | 648075/0016 |

RECEIVED**MAR 02 2005****NON PATENT LITERATURE DOCUMENTS****Technology Center 2600**

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|-----------------------|--------------------------|---|----------------|
| | | European Search Report, dated September 5, 2003 | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.56. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-F7C-9799 (1-800-766-9799) and select option 1.